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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christer Almqvist      Docket No.: 00-148  
Serial No. : 09/501,970      Examiner : S. Tran  
Filed : February 10, 2000      Art Unit : 2643  
For : AN ARRANGEMENT IN ACOUSTIC HEADSETS

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7-9-02  
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REQUEST FOR RECONSIDERATION

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JUN 27 2002

Technology Center 2600

Hon. Commissioner of Patents and Trademarks  
United States Patent and Trademark Office  
Washington, D.C. 20231

Dear Sir:

In response to U.S. Patent and Trademark Office Action dated March 28, 2002, having a shortened statutory period for response set to expire June 28, 2002, Applicant hereby requests the Examiner to reconsider her rejection of claims 6 and 7 for the reasons set forth hereinbelow.

The Examiner has rejected claims 6 and 7 over U.S. Patent 4,620,068 to Wieder in view of U.S. Patent 5,794,127 to Lansang in further view of Morgenthaler U.S. Patent 6,310,609. Applicant respectfully requests the Examiner to reconsider her rejection for the reasons set forth hereinbelow.

Initially, the undersigned would like Examiner Tran for the courtesies extended during an oral hearing held with the undersigned on June 13, 2002. During the above-noted oral hearing the outstanding official action was discussed in detail and Applicant presented detailed arguments as to why the rejection articulated in the office action of March 28, 2002 was defective. For the sake of completeness, Applicant will set forth the arguments hereinbelow.

The Examiner has applied newly cited U.S. Patent 6,310,609 purportedly to teach button sets of like functionality grouped into their own recess and/or depression on the outer surface of acoustic head set. It is respectfully submitted that the Examiner has read into the '609 patent disclosure which is not positively set forth or even implied by the teachings of the '609 patent. Firstly, the '609 patent deals with a mobile telephone. The invention of the present invention is drawn to an acoustical head set. This is significant in that the invention as claimed is on an acoustical head set which one wears on their head and accordingly the functionality buttons, etc. are not visible during use. Accordingly, because of the fact that the functionality buttons are not visible, Applicant has a particular arrangement of

functionality buttons of commonality in their own recess or depression so as to allow the user to readily identify and use these functionality buttons.

*not in*  
*di*

The '609 patent is drawn to a mobile telephone which is used by a user who looks at the various buttons and selects those buttons visually for operation. Accordingly, there is no need in the '609 patent for the particular features claimed in the instant application. In addition, and more importantly, the '609 patent does not teach, disclose, suggest or render obvious the details set forth in independent claims 6 and 7.

The purpose of the invention of the '609 patent is to design the key pad in such a way that it guides the user through the operation of the telephone and that it provides series of visual cues to assist the user in the operation of the telephone (col. 3, lines 36-43).

*not in*  
*di*

The purpose of the present invention is to aid the user, who cannot see the functionality buttons, to find the correct button to be pressed during operation of the hearing protector.

According to this invention, this purpose is attained by locating functionally related buttons in one common recess. This aids the user to feel by his fingers first where the recess is located and then where the correct

button is located in the recess. This is a very effective way of finding a particular button as the user cannot see the buttons he is manipulating.

According to the '609 patent, the situation is quite different as the user can see both the display and the keypad. Thus, in accordance with the '609 invention, the user can identify the "next key" to be pressed by a visible indication e.g. a light.

The Examiner alleges that Fig. 3 of the '609 patent discloses functionally related buttons located in a separate recess or depression. This is just not so. Firstly, the buttons of the '609 reference are a "soft button" which means that they have different functions depending on what mode the telephone is in. It makes no sense to speak of functionally related buttons where one and the same button has different functions from time to time. Secondly, there is neither disclosed nor intimated (text, drawings, etc.) that the buttons 330, 332 in Fig. 3 are located in a common recess. Applicant refers to col. 2, lines 40-42, where it is said that the keys are opaque and the light is transmitted through spaces between the keys and the face plate so that there is created a halo around the keys. There is no suggestion of a common recess.

Summing up the '609 patent does neither disclose nor intimate functionally related buttons located in a common recess. Further, it points away from the invention as it, starting from a very similar problem, teaches a solution that is quite different from that of the invention.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

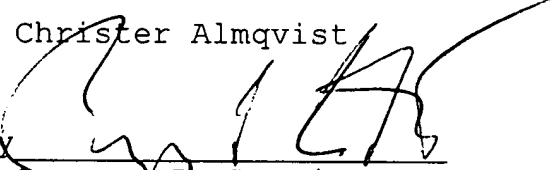
It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case,  
it is respectfully requested that they be charged to  
Deposit Account No. 02-0184.

Respectfully submitted,

Christer Almqvist

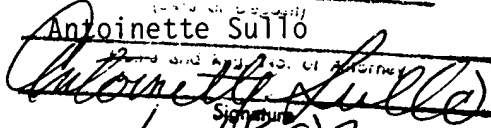
By

  
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Date: June 18, 2002

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Antoinette Sullo  
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6-18-02  
Date of Signature